

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - OCEAN COUNTY
DOCKET NO. L-2891-14 PW

- - - - - :
OROS BAIS YAAKOV HIGH SCHOOL, :
a nonprofit corporation of :
the State of New Jersey : DEPOSITION UPON
: ORAL EXAMINATION
Plaintiff, :
: of
vs. :
: JEFFREY MICHAEL
TOWNSHIP OF JACKSON, N.J., : PURPURO
ad JACKSON TOWNSHIP ZONING :
BOARD OF ADJUSTMENT, :
: Defendants. :
- - - - - :

Toms River, New Jersey
Tuesday, November 13, 2018

DEPOSITION of JEFFREY MICHAEL PURPURO in
the above-entitled action by and before PATRICIA J.
RUSSONIELLO, a Certified Court Reporter and Notary
Public of the State of New Jersey, at the office of
GILMORE & MONAHAN, P.C., 10 Allen Street, commencing
at 11:11 a.m.

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1 only employees for the past three years other than
2 yourself in your department?

3 A. Yes.

4 Q. Okay. Are you aware of people in
5 Jackson Township using their homes as synagogues?

6 A. I am not aware.

7 Q. Okay. So that has not been an issue in
8 Jackson Township?

9 A. It's not been an issue because it's not
10 been prove -- it's not been an issue.

11 Q. Okay. Do you know if there have been
12 any enforcement actions maintained against anyone in
13 Jackson Township for using their home as a synagogue?

14 A. I did write a viola -- or a Summons and
15 we did go to Court and it was my -- it was my charge
16 that because there was no one living -- it was my --
17 it was my interpretation through daily investigation,
18 so to speak, that there was no one living in the house
19 but on weekends it was being used as a place of
20 assembly.

21 Q. Okay. And did that interpretation that
22 you made result in the violation notice?

23 A. Yes.

24 Q. All right. Where was that property?
25 What was the address?

1 A. 146 South New Prospect.

2 Q. Okay.

3 A. In Jackson, of course.

4 Q. And when was that?

5 A. What the -- what the process is is that
6 we do -- let's go with -- only because I can't give
7 you an exact date. I would say at this point two
8 years ago I would say the process was started.

9 Q. Okay.

10 A. September, October of 2016.

11 Q. All right. Who directed you to conduct
12 an investigation of that property?

13 A. No one.

14 Q. Well, how did you learn that there might
15 be an issue with that property?

16 A. Well, the E-mails I would receive from
17 perhaps Hope Drew may have been -- may have been one
18 to alert me to a situation that they may be using the
19 house as a -- she called it a place of assembly -- she
20 called it a house of worship. I wasn't getting
21 involved with the worship part. I'm just calling it
22 an assembly use so I would say some of the residents
23 alerted me.

24 Q. Okay. Any other residents you recall?

25 A. No.

1 Q. All right. And with respect to that
2 property did you go out and do a personal observation?

3 A. Yes.

4 Q. Okay. Was that on a weekend?

5 A. No.

6 Q. Okay. So when did you go out and view
7 that property? How many times?

8 A. I would say I -- approximately 30 days --
9 30 business days during the -- you know, during that
10 time period twice a day to see, you know, if there was
11 someone living there, knocked on the front door,
12 walked the property. You know, it's my -- it's my --
13 it's always my MO, so to speak, that if I'm going to
14 write a violation or a Summons I'm going to have
15 enough information to back me up.

16 Q. Okay. Did you ever speak to an owner of
17 that property or someone residing there?

18 A. I spoke to some -- well, I spoke to
19 someone who said he was a resident. I have never
20 spoken to the owner.

21 Q. All right. And what was the -- and what
22 information did you have that resulted in you writing
23 a violation?

24 A. My daily observations that there was no
25 one living in the house along with reports from Code

1 Enforcement who do do site visits on weekends and
2 based on no one living there during the week, based on
3 my daily visits noting that no one was living there
4 during the week and reports back to Code Enforcement
5 saying that Friday and Saturday there are people
6 assembling at the property, that was enough for me to
7 at least write the violation.

8 Q. Okay. Did you have a number of
9 individuals that someone observed on the weekend days
10 that -- that gave the basis for the violation?

11 A. Yes. There may have been -- not a point
12 of how many people but perhaps 40 to 50 vehicles on
13 the driveway and on the -- on the lawn and so it was
14 more of a vehicle -- car count than a...

15 Q. Okay. And was the use there that you --
16 that you violated them with respect to assembly or
17 house of worship?

18 A. Assembly.

19 Q. Assembly.

20 And was -- did the individuals who were
21 assembling there were they Orthodox Jewish?

22 A. Yes.

23 Q. Okay. And what was the result of that
24 violation notice?

25 A. And, of course, because now that I think

1 about it -- maybe I shouldn't even be talking about it
2 but I wrote the Summons. It went to Court. The Judge
3 sided with my violation. It's since been appealed and
4 it's still pending.

5 Q. Okay. And you undertook to monitor that
6 house on the 30 business days on your own without any
7 direction from anybody on the Township Council or
8 administration to do so?

9 A. No. That was on my own accord. I mean,
10 that was -- that's part of my -- my duty.

11 Q. Okay. Did you discuss this particular
12 matter with anyone on the Township Council or in the
13 administration?

14 A. Council -- Township Council, no.
15 Administration just that I was conducting site visits
16 in case anyone ever questioned what we were doing
17 about it, so to speak.

18 Q. Okay. Is -- how about with other -- did
19 you discuss this with other residents other than those
20 you've identified as having made the complaint to you?

21 A. Did I discuss what?

22 Q. Discuss the fact that this use was not
23 in conformance with the code of Jackson Township?

24 A. I would say no. I would have no reason
25 to discuss that with -- with anyone other than either,

1 reason to go any further with that investigation.

2 Q. Okay. When did the complaints start
3 regarding the schuls in the Township?

4 A. I hate to say this is a guess but this
5 is a guess. I could go back to the E-mails and, you
6 know -- three years ago?

7 Q. Okay. And what is the nature of the
8 complaints that you're receiving?

9 A. That folks are using a residence as a
10 place of worship or a schul.

11 Q. Okay. And do you recall specifically
12 what individuals have made those complaints with you?

13 A. Again, if we went through the E-mails
14 I'm sure it's going to be, you know, the -- I believe
15 there was that Chris Hope or Hope Drew.

16 This Kissenberth -- Kissenberth may have
17 been one of them. Number 44 on the list.

18 Perhaps that Kelly Kanis.

19 I can't pinpoint exactly which one was
20 complaining about what so if I went through the
21 E-mails I could probably give you a better answer.

22 Q. Okay. And what do you do when you
23 receive a complaint about an alleged schul that's
24 operating illegally in the Township?

25 A. If it is the initial complaint I will do

1 my -- my site visit. You know, I'll do some -- I'll
2 do some investigating through Housing Department to see
3 if there was a rental CO issued and if indeed, you
4 know, someone was living there. If that's the case I --
5 I don't get involved.

6 Q. Okay. And what's your understanding of
7 the law regarding schuls in Jackson Township?

8 A. Well, that's seemingly a little broad.

9 Q. Are they permitted?

10 A. Well, I don't have the book in front of
11 me so I couldn't -- there are -- there are zones that
12 permit houses of worship as either permitted use,
13 perhaps some zones permitted as a conditional use so
14 without the book in front of me I -- I couldn't tell
15 you for sure where they're permitted but there are
16 zones that do permit them.

17 Q. Okay. And are those the only two uses
18 under which a schul would fall in the Township?

19 A. Again, my book doesn't -- won't have the
20 term "schul" in there. It will have, you know,
21 churches or places of worship.

22 If that's what the perception of a schul
23 is, a place of worship, then, you know, there are
24 zones that do permit -- that do permit -- does permit
25 that use.

1 Q. Okay. So what -- is a schul a house of
2 worship --

3 A. That's my understanding.

4 Q. -- in your -- in your opinion?

5 Would that be your interpretation for
6 Jackson Township?

7 MS. TUTELO: Objection to form. You can
8 answer.

9 A. Yeah. I don't have the definition of
10 either in front of me but that's my perception, yes.

11 Q. Okay. I'm trying to find out where a
12 schul would fall in terms of enforcement for you in --
13 as far as a definition of what it is under the code.

14 A. If it came to that I would ask an
15 Applicant because it would be an application that,
16 "Okay. What's your interpretation of -- of this use?"
17 If it fits under perhaps house of worship, then we
18 would find the zone where it's permitted and get you
19 in front of the right Board.

20 Q. How many properties have you yourself
21 investigated with respect to a proposed -- I'm
22 sorry -- not proposed -- with respect to an alleged
23 schul operating on a property in Jackson Township?

24 A. Maybe five.

25 Q. Okay. And have you --

1 A. Ten. Let's go with ten to be safe.

2 Q. Okay. Have you issued any citations?

3 A. Just the one on that 146 South New
4 Prospect.

5 Q. Okay. And tell me in terms of your
6 investigation exactly what you do when you get one of
7 these complaints.

8 A. Well, because I'm not going to get in
9 the way of someone using their house as an assembly
10 use, prayer sessions, football game, whatever it
11 happens to be, if someone's living there, you know,
12 that's my first criteria; to see if someone's living
13 there. If someone's living there I'm done because
14 then I'm dealing with, you know, someone having people
15 over for whatever reason and the residential nature of
16 that home is still being complied with so -- the
17 wording is a little strange but that's the gist of,
18 you know, what I do.

19 Once I find that there's someone living
20 there, then I'm done.

21 Q. What about monitoring of these
22 properties in terms of doing a visual inspection? Do
23 you engage in that?

24 A. Yes.

25 Q. Okay. And how often would you monitor,

1 I have to turn this back on you.

2 What's your interpretation of a modular
3 building?

4 MS. RATH: Well, let's mark this.

5 (Exhibit P-211 marked for identification.)

6 Q. Okay. And you've been handed P-211.

7 Were you aware that the Mayor, Michael
8 Reina, had a concern regarding trailers in Jackson
9 Township?

10 A. What type of trailers?

11 Q. Trailers that "have become a
12 increasingly popular way of getting congregations of
13 different faith-based groups, students and employees
14 into small spaces to accommodate needs."

15 Were you aware that the Mayor had a
16 concern of that nature?

17 A. No, I was not aware.

18 Q. Did he ever communicate that to you?

19 A. Did he ever convey that to me that he
20 was concerned?

21 Q. Right.

22 A. Not that I recall.

23 Q. Okay. But he did send you a particular
24 trailer to review or investigate at 88 Thompson Bridge
25 Road?

1 A. Yes.

2 Q. Okay. And did you do that
3 investigation?

4 A. Yes.

5 Q. Okay. And what was your determination?

6 A. That it was a camper that was on site
7 that the folks were living in while they renovated
8 their house.

9 Q. Okay. So was there any violation issued
10 with respect to that trailer?

11 A. No. Because the idea that the trailer
12 was there for them to live in while they were
13 renovating their house, the approval for that trailer
14 was issued by administration so I had no concerns.

15 Q. Okay. Have you seen -- do you have any
16 idea what the Mayor meant by "congregations of
17 different faiths"?

18 A. No.

19 Q. Okay. Have you seen the use of trailers
20 in Jackson Township by religious groups?

21 A. Let's clear up trailer.

22 Q. Okay.

23 A. Now, there is an office trailer that's
24 being used at a church on Harmony Road that they got
25 approvals for from the Board of Adjustment but they're

1 Q. Now, Mr. Purpuro, I don't want to
2 mispronounce the word. I believe it's Sukkots (sic)?
3 Are you familiar with that term?

4 A. Yes.

5 Q. Okay. What term do you use?

6 A. Sukkah.

7 Q. Sukkah. Okay. Sukkah. Okay.

8 Have you received complaints regarding
9 sukkahs in the Township of Jackson?

10 A. Yes.

11 Q. Okay. And who have those complaints
12 come from?

13 A. I don't recall.

14 Q. Okay. When did the complaints start?

15 A. I would say three years ago.

16 Q. Okay. And what's this issue about?
17 What are the complaints about?

18 A. More so the placement and the appearance
19 of the structure.

20 Q. Okay. And when you say "structure" what
21 are you referring to?

22 A. The sukkah.

23 Q. Okay. And what do you understand a
24 sukkah to be?

25 A. It is a structure that folks put up

1 during a certain time of the year so -- for them to
2 observe -- as -- as part of a religious belief.

3 Q. Okay. And those would be Jewish
4 individuals?

5 A. Yes.

6 Q. Okay. What do you do when you receive a
7 complaint regarding a sukkah?

8 A. I'll investigate to see if we've issued
9 a permit for one and if not I have a standard form
10 that I send that it's the most informal way of gaining
11 compliance for fence, pool, sukkah; whatever it
12 happens to be.

13 Q. Okay. As part of the documents you
14 produced here today did you produce documents relating
15 to the sukkah complaints?

16 A. I would say no mainly because I was just
17 printing out the permits that I issued and I don't
18 even recall ever sending a -- one of those informal
19 complaints out so the answer's no.

20 Q. Okay. Have you ever violated any
21 Township resident -- issued a notice of violation with
22 respect to a sukkah?

23 A. I would say no and I didn't look through
24 my different programs to look for violations but even
25 then it would have been difficult to pinpoint the

1 reasoning for doing a violation. I just had a
2 difficult time getting the key words for the permits
3 so I would say I did not issue a violation.

4 Q. Okay. Were you ever directed by a
5 Township official to investigate an issue of a sukkah
6 on a property?

7 A. Yes.

8 Q. Who?

9 A. I -- if or when a complaint may have
10 come in it may have been directed to the Mayor's
11 office or administration, it would have been forwarded
12 to me to investigate so I can't tell you exactly who
13 it was. Administration. It may have been the Mayor.

14 Q. Okay. Did anybody contact you in any
15 other fashion from the administration or Council
16 regarding investigating an alleged sukkah or -- I'm
17 sorry -- a sukkah in the Township?

18 A. Anyone other than?

19 Q. Other than it coming in by the way you
20 just indicated?

21 A. I don't recall one way or the other.

22 Q. Okay. Do you recall any particular
23 official involved in formulating the issue of whether
24 sukkahs were illegal or legal in the Township of
25 Jackson?

1 A. That a permit's required for a
2 structure?

3 Q. Yes. Yes.

4 A. Yes.

5 Q. How about with respect to sukkahs? Is
6 there anything individually separate --

7 A. No.

8 Q. -- for that?

9 And how long can they be up?

10 A. They can -- zoning requirements don't
11 require so theoretically they can be up forever.

12 Q. Okay. And if we turn to Page 2, the
13 first page of this document you have in front of you,
14 417, you sent an E-mail to the Mayor regarding these
15 sukkah structures and not anyone else on the Council.

16 Do you know why you would have responded
17 to the Mayor individually?

18 A. No, but only to the -- mainly because --
19 well, only because if it's something that -- not to
20 say he's not aware of everything that goes on in our
21 office. Just wanted to keep -- somebody wants to be
22 kept current on the current issues in town.

23 Q. Okay. And when it indicates, "attached
24 are three violations that were recently written" did
25 you write those three violations?

1 A. Well, I must have and I can't say for
2 sure what the addresses were and what even prompted
3 them but looking at the subject apparently ones were
4 written.

5 Q. Okay. Isn't it true that it's based
6 upon receipt or you receive certain complaints from
7 Township residents regarding these sukkahs?

8 A. Yes. Certainly it's a big town. It's
9 tough to see everything that's going on everywhere so
10 when we do get a complaint we do investigate.

11 Q. Okay. Have there been any violations
12 issued this year for sukkahs?

13 A. No.

14 Q. Okay.

15 A. Not by me.

16 Q. Okay. Do you know if there were any at
17 all by the Township?

18 A. I don't know.

19 Q. Okay. And with respect to sukkahs this
20 year were you asked to investigate any properties?

21 A. No.

22 Q. Okay. And would you not agree that this
23 issue concerns the Orthodox Jewish community only?

24 MS. TUTELO: Objection to form. You can
25 answer.

1 A. The subject of sukkahs? Would I --

2 Q. Yes.

3 A. Would I -- I would agree that sukkahs
4 pertain to the Jewish community.

5 Q. Have you ever received complaints about
6 tarps around pools in Jackson Township?

7 A. Yes.

8 Q. And what's this issue about?

9 A. What's this issue about?

10 Q. Yes.

11 A. It's about folks who put tarps around
12 their pool. I mean, they're -- they're put up so the
13 women can swim in the pool without anyone seeing them.

14 Q. And by "folks" you're referring to the
15 Orthodox Jewish community?

16 A. In these instances, yes.

17 Q. Okay. When did the complaints start?

18 A. I would say probably two years ago.

19 Q. Are they still ongoing?

20 A. Well, certainly none of the tarps are up
21 now because of the time of year.

22 Q. This past summer did you have
23 complaints?

24 A. Yes.

25 Q. Okay. Were -- who do you receive the

1 complaints from?

2 A. In these instances there was one that
3 came in from a woman who lived on the same road as one
4 of the alleged violators and we -- as we speak we have
5 two applications in front of the Board of Adjustment
6 for folks who put tarps up that are of a material
7 that's not permitted and at a height that's not
8 permitted.

9 Q. Okay. And how many properties have you
10 investigated with respect to this issue?

11 A. Five.

12 Q. Okay. And were you ever directed by a
13 Township official to investigate these issues?

14 A. No.

15 Q. And what's your understanding of the law
16 regarding the use of these tarps?

17 A. Well, my understanding which was
18 substantiated by the Board of Adjustment, an Applicant
19 went in front of the Board for interpretation of the
20 material being used. The Board determined that using
21 a tarp as a barrier or a fence was prohibited by the
22 ordinance so my understanding is that using a tarp as
23 a fence is not permitted.

24 Q. Okay. All right. Is that the
25 Virchlizer (phonetic) property?

1 A. Yes.

2 Q. Okay. And are you using that property's
3 determination regarding interpretation as the baseline
4 for other complaints that come in?

5 A. Yes.

6 Q. Okay. And have you issued violations
7 regarding to these tarps?

8 A. I would say that since that application
9 was concluded I used my informal method to gain
10 compliance by sending that form letter out saying, you
11 know, "The tarp material is not permitted. Either
12 remove it or go for a variance."

13 Q. Do we have a copy of the letters that
14 you've sent out in the production we have?

15 A. I don't think that was part of your
16 request for information.

17 Q. Okay. And there have been three matters
18 that have proceeded before the Board with respect to
19 these tarps. Is that correct?

20 A. One was that the interpretation --

21 Q. Mm'mm.

22 A. -- on White Road.

23 There were -- there was one recently
24 heard by the Board of Adjustment where the Applicant
25 came in for a -- for the ten-foot tarp.

1 He then amended his application to put
2 up a -- an eight-foot fence in place of the tarp
3 material.

4 Q. Okay. And what happened to the other
5 two?

6 A. They're pending. One is going to be
7 heard next month at the next Zoning Board meeting
8 and -- actually there are two that are -- that are
9 pending in front of the Board.

10 Q. Do you know the names of those Applicants?

11 A. I believe one is Gruskin.

12 Q. Okay.

13 A. I brought my agendas to show you how
14 busy we were because getting this information was a
15 chore so I can pull --

16 Q. Thank you.

17 A. -- I can pull the agenda --

18 Q. No --

19 A. -- to see what the names are.

20 Q. -- only if you recall.

21 A. I think it's Gruskin on Arizona --

22 Q. Okay.

23 A. -- Lane -- Road.

24 Q. And then the other one you don't remember?

25 A. No.

1 Q. All right. Okay.

2 What's the Spray Park in Jackson
3 Township?

4 A. It's a park that the Township created
5 that is used ideally in the summer months that -- like
6 a little recreational area where water is sprayed and
7 there's fountains and things that are enjoyed by young
8 people.

9 Q. Okay. And where is it located?

10 A. It is located in -- what's the actual
11 address?

12 It's the -- what do they call it? What
13 do they call it? It's like a --

14 Q. Is it by the Justice Center?

15 A. Yeah. Justice Complex. That's it.

16 Q. Okay. All right.

17 A. Where there's, you know, a hockey rink,
18 baseball fields, soccer fields; that kind of thing.

19 Q. Okay. And you were --

20 MS. RATH: I'm sorry. Let's mark.

21 (Exhibits P-215, P-216 and P-217 marked
22 for identification.)

23 Q. Mr. Purpuro, you sought approval for the
24 Spray Park. Is that correct?

25 A. Say that again?

1 A. Yes.

2 Q. Okay. From who?

3 A. Once again when I did the E-mails with
4 the key words it was more than likely the same people
5 who were part of your list but once again --

6 Q. The list that was in my subpoena?

7 A. Yes. And if you see the -- you know,
8 the E-mails pertaining to whatever number that is --
9 number 56 -- those were the people who would have
10 complained.

11 Q. Okay. And were there complaints
12 targeted toward the use -- I'm sorry -- did the
13 complaints concern the use of portable toilets in the
14 Township by the Orthodox Jewish community?

15 A. They were specific to addresses that
16 were of concerns and more than likely pertaining to
17 the Jewish community, yes.

18 Q. Okay. And how many properties did you
19 investigate with respect to the portable toilet use
20 issue?

21 A. At that point it was more of a code
22 enforcement issue more than a zoning issue.

23 Q. Okay.

24 A. So I didn't really -- I only took the
25 properties and some of the photos that were taken with

1 those E-mails and really turned it over to Code
2 Enforcement.

3 Q. Okay. So you didn't go out yourself and
4 investigate any property?

5 A. Correct.

6 Q. All right.

7 A. As I recall.

8 Q. Okay. And do you remember how many
9 properties you turned over for investigation to code
10 compliance?

11 A. The popular answer seems to be five but
12 I would say no more than five.

13 Q. Okay. Were you ever directed by a
14 Township official to investigate the use of a portable
15 toilet at a property when it wasn't permitted?

16 A. I don't recall.

17 Q. Okay. And are -- okay.

18 Do you know if any citations have been
19 issued with respect to these portable toilet use?

20 A. I'm not aware if they were or they
21 weren't.

22 Q. Okay. Have you received any complaints
23 regarding illegal pools in Jackson Township?

24 A. Not illegal pools, no.

25 Q. Okay. Pools that are -- maybe are being

1 used for commercial purpose as opposed to an
2 individual residential use?

3 A. Yes.

4 Q. Okay. And where were those pools? Let
5 me back up.

6 How many have you received in terms of
7 complaints?

8 A. No more than ten so between five and ten.

9 Q. Okay. Again, did those pools, were they
10 on property owned by Orthodox Jewish residents?

11 A. Yes.

12 Q. And when did those complaints start?

13 A. As I recall I would say last summer
14 would have been the -- when I may have gotten any --
15 may have gotten communications that there were pools
16 that were being rented.

17 Q. Okay.

18 A. Actually, it's two summers ago.

19 Q. Okay. Did you receive any complaints
20 this past summer?

21 A. Yes.

22 Q. All right. And did you personally
23 investigate any properties?

24 A. I did.

25 Q. Okay. And would that have been the ten

1 in total at most you indicated?

2 A. I may have visited probably two or three
3 sites and as I recall there was one on the end of
4 Chelsea Road where I spoke to the homeowner and he did
5 tell me he was renting his pool out and I said, "Well,
6 you can't do it," and, you know, he gave me the -- you
7 know, the okay that, you know, he didn't know and he
8 stopped doing it and follow-up revealed that there's
9 been no activity at that particular address.

10 Q. Okay. Did you issue any citations or
11 violation notices for any of these properties?

12 A. I would say no because I had no real
13 proof.

14 Q. Okay. Were you ever directed by a
15 Township official to investigate an issue of an
16 illegal pool?

17 A. Not that I recall.

18 Q. Okay. Do you recall receiving one of
19 these complaints an individual using the term
20 "ghetto"?

21 A. There are some E-mails that have that
22 term -- that term for sure --

23 Q. Okay.

24 A. -- and either one of those key names
25 would have brought up what -- I think specifically

1 CERTIFICATE OF OFFICER

2

3

4

5 I, PATRICIA J. RUSSONIELLO, a
6 Certified Court Reporter and a Notary Public of the
7 State of New Jersey, do hereby certify that prior to
8 the commencement of the examination the witness was
9 duly sworn by me.

10 I DO FURTHER CERTIFY that the
11 following is a true and accurate transcript of the
12 testimony as taken stenographically by and before me
13 at the date, time and place aforementioned.

14 I DO FURTHER CERTIFY that I am
15 neither a relative nor employee, nor attorney or
16 counsel to any parties involved; that I am neither
17 related to nor employed by any such attorney or
18 counsel, and that I am not financially interested in
19 the action.

20

21

22

23

24 \\PATRICIA J. RUSSONIELLO
25 NOTARY PUBLIC OF THE STATE OF NEW JERSEY
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